

HCS HB 303 -- RECORDER OF DEEDS AND FALSE FILINGS

SPONSOR: Mathews

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 8 to 1. Voted "Do Pass" by the Committee on Rules- Legislative Oversight by a vote of 8 to 1.

This bill creates the offense of filing a false document, which is committed if, with intent to defraud, deceive, harass, alarm, or negatively impact financially, a person files, causes to be filed, or attempts to file, creates, uses as genuine, transfers or has transferred, presents, or prepares with knowledge or belief that it will be filed, presented, or transferred to the Secretary of State or his or her designee, any county recorder of deeds or his or her designee, any municipal, county, district, or state government entity or office, or any credit bureau or financial institution specified documents. For the first offense, filing a false document is a class D felony. Filing false documents is a class C felony in certain specified instances. Any person who is found guilty of committing such offense will be ordered to make full restitution to any person or entity that has sustained any actual losses as a result of the commission of such offense.

The bill specifies that a system must be created, by January 1, 2018, in which suspicious filings are logged, and outlines the process for petitioning the court when a person has probable cause to believe a filing is fraudulent.

This bill is similar to HB 1858 (2016).

PROPONENTS: Supporters say that there is no Missouri statute that penalizes this behavior; it is currently only addressed in the Uniform Commercial Code. The law enforcement community supports this, because many officers have had false liens placed on their properties, and it's a nightmare to have this issue fixed.

Testifying for the bill were Representative Mathews; Andrew Soll, St. Louis County Police Department; Joe Patterson, St. Louis County Police Association MoFOP #111; Greg Brown, Fire Service Alliance; Mo Fraternal Order of Police, Stl-FOP, KC-FOP; St. Louis Police Officers Association; Records' Association of Missouri; Missouri Association of Prosecuting Attorneys; Missouri Police Chiefs' Association; Dale Schmidt, Missouri Peace Officers Association; Missouri Land Title Association; Missouri Bankers Association; Mortgage Bankers Association of Missouri; Missouri Credit Union Association; Missouri State Council of Fire Fighters; and Mortgage Electronic Registration System, Inc.

OPPONENTS: There was no opposition voiced to the committee.